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Environment Department Receives EPA Approval for Water Quality Standards Despite LANL Opposition

(Santa Fe, NM) — The New Mexico Environment Department (NMED) recently received notification that the U.S. Environmental Protection Agency (EPA) has approved the State's human health based surface water quality standards.

EPA's approval covers human health based standards for more than 100 toxic pollutants. This includes 15 persistent toxic pollutants such as PCBs, dioxins, DDT and certain metals. By establishing human health based surface water standards for these pollutants NMED will be able to better protect fisheries all over the state of New Mexico. Los Alamos National Laboratory (LANL) is currently attempting to fight these persistent toxic pollutant standards in state court.

"By trying to restrict the state from using water standards based upon potential human health impacts, LANL is again showing its lack of environmental leadership," said NMED Secretary Ron Curry. "Protecting people's health and limiting their exposure to toxic substances is at the core of what NMED does and these standards help us do that job effectively."

LANL's court action, *The Regents of the University of California v. New Mexico Water Quality Control Commission*, is currently pending before the New Mexico Court of Appeals. EPA's approval does not end the court battle, but it does establish the federal government's position that these standards are in agreement with the Federal Clean Water Act.

"These standards are not directed at LANL, but by fighting them they are potentially preventing this Department from using human health criteria to protect water quality all over the state," said Secretary Curry. "In this time of drought we should be cooperating to make sure the water we have remains protected and usable, not taking each other to court."

The State's human health standards are designed to protect individuals over a lifetime of exposure to toxic pollutants. They are based upon human consumption of fish caught in New Mexico surface waters. These toxic substances have serious health impacts on humans including, in the case of DDT, liver and reproductive system damage. PCB's have been shown to cause cancer as well as adversely impact the immune, reproductive, nervous and endocrine systems of animals.

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In court filings, LANL has argued that these standards should not apply to “ephemeral streams” where no fish are present. NMED has asserted that tributary protection particularly for persistent toxic pollutants that don’t readily degrade and can be transported downstream leads to better river protection as well as allowing for pollution to be found earlier and cleaned up sooner.

“This should be common sense, protect the stream and you protect the river,” said Secretary Curry. “Establishing water quality standards creates a yardstick to decide where pollution is present and at what level it poses a health threat. Only after these standards are established can we begin to take a good environmental look at a watercourse and, if we find a problem, work to clean it up. In this case, LANL is trying to stop us before we even get out of the gate.”

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